

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

Bail Appl.No. 7537 of 2007()

CRIME NO. 308/07 OF VANDIPERIYAR POLICE STATION
CMP.3521/2007 of J.M.F.C.-II, PEERUMEDU
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PETITIONER/ACCUSED

KUMAR, S/O.MICHAEL, PERIYAR ESTATE
LAYAM, NELLIMALA KARA, PERIYAR VILLAGE.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR
SRI.P.P.BIJU

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10/12/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 7537 of 2007

Dated this the 10th day of December, 2007

ORDER

Application for regular bail. The petitioner faces allegations in a crime registered under Section 376 I.P.C. That crime has been registered on the basis of a private complaint filed by the defacto complainant, which the learned Magistrate was pleased to refer to the police under Section 156(3) Cr.P.C.

2. The petitioner is a married person with two children. There was some estrangement in his relationship with his wife. He is residing separately. He had developed intimacy with the defacto complainant, who had fully known of the background of the petitioner herein. The intimacy led sexual relationship between the petitioner and the defacto complainant. She was taken on four occasions to various places and they had sexual relationship on such occasions. She was found missing and her father filed a complaint. Crime was registered under the caption “woman missing”. The defacto complainant, along with the

petitioner, was produced before the Magistrate. The defacto complainant opted to go with the petitioner. She now raises a complaint that the petitioner is not willing to marry her and that all the sexual intercourses taken place earlier was on the belief that he will marry her. The learned counsel for the petitioner submits that the allegations even if accepted cannot amount to rape. The petitioner, who has remained in custody from 19.11.2007, may now be granted regular bail, prays the counsel.

3. The learned Prosecutor does not oppose the application. I am satisfied, in the facts and circumstances of the case, that the petitioners can now be enlarged on bail subject to appropriate terms and conditions.

3. In the result:

1) This application is allowed.

2) The petitioners shall be released on bail on the following terms and conditions.

(a) The petitioner shall execute a bond for Rs.25,000/- (Rupees twenty five only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 12 noon on all Mondays and Fridays for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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